

Executive Summary – Enforcement Matter – Case No. 43059

City of Blanket

RN104606561

Docket No. 2011-2220-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Blanket WWTP, located at 7889 County Road 620, approximately 160 feet west of County Road 620 and approximately 1,500 feet south of the intersection of County Road 620 and Farm-to-Market Road 1467 (Main Street), Brown County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 2, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,257

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,257

Name of SEP: Custom SEP - City-wide Collection Event and an Erosion Control Project

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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City of Blanket
RN104606561
Docket No. 2011-2220-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 27, 2011

Date(s) of NOE(s): November 8, 2011

Violation Information

1. Failed to comply with permitted effluent limits for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring period ending July 31, 2011 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1].
3. Failed to monitor effluent at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 22, 2011, Respondent submitted the DMR for the monitoring period ending July 31, 2011, to the TCEQ.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all required parameters are monitored at the intervals specified in the permit and submitted to TCEQ in a timely manner;
 - b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
 - c. Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014618001, including specific corrective actions that were

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implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
Respondent: The Honorable Judy Eoff, Mayor, City of Blanket, P.O. Box 38, Blanket, Texas 76432
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Nov-2011	Screening	18-Nov-2011	EPA Due	
	PCW	1-Dec-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Blanket		
Reg. Ent. Ref. No.	RN104606561		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43059	No. of Violations	3
Docket No.	2011-2220-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$4,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **77.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,157**

Notes: Enhancement for nine months of self-reported effluent violations, two NOV's with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$430
Approx. Cost of Compliance \$2,950
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,257**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$7,257**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,257**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$7,257**

Screening Date 18-Nov-2011

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PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 43059

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 77%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations, two NOVs with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 77%

Screening Date 18-Nov-2011

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PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 43059

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on October 27, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH₃-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of the discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$209

Violation Final Penalty Total \$3,540

This violation Final Assessed Penalty (adjusted for limits) \$3,540

Economic Benefit Worksheet

Respondent City of Blanket
Case ID No. 43059
Reg. Ent. Reference No. RN104606561
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	31-Dec-2010	31-Aug-2012	1.67	\$209	n/a	\$209

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month of noncompliance. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$209

Screening Date 18-Nov-2011

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PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 43059

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring period ending July 31, 2011, as documented during a record review conducted on October 27, 2011. Specifically, the quarterly Escherichia coli ("E. coli") DMR was not submitted by August 20, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

114 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$177

This violation Final Assessed Penalty (adjusted for limits) \$177

Economic Benefit Worksheet

Respondent City of Blanket
Case ID No. 43059
Reg. Ent. Reference No. RN104606561
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Nov-2010	31-Aug-2012	1.78	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all required parameters are monitored at intervals specified in the permit and submitted to TCEQ in a timely manner. Date required is the date the first report was due. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$22

Screening Date 18-Nov-2011

Docket No. 2011-2220-MWD-E

PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 43059

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to monitor effluent at intervals specified in the permit, as documented during a record review conducted on October 27, 2011. Specifically, the Respondent did not collect and analyze E. coli for the quarterly monitoring periods ending October 31, 2010 and January 31, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$212

Violation Final Penalty Total \$3,540

This violation Final Assessed Penalty (adjusted for limits) \$3,540

Economic Benefit Worksheet

Respondent City of Blanket
Case ID No. 43059
Reg. Ent. Reference No. RN104606561
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	31-Oct-2010	31-Jan-2011	1.17	\$12	\$200	\$212

Notes for AVOIDED costs

Estimated cost avoided for failing to monitor effluent at the intervals specified in the permit (\$100 per missing parameter). Date required is the end of the monitoring period ending October 2010. Final date is the end of the monitoring period ending January 2011.

Approx. Cost of Compliance

\$200

TOTAL

\$212

Effluent Limit Violation Table

table rev.

Respondent	City of Blanket
ID Number(s)	TPDES Permit No. WQ0014618001
Docket Number	2011-2220-MWD-E
Enf. Coordinator	Heather Brister

Corresponds to Violation Number:

1

EFFLUENT PARAMETER				
Permit Limit				
	NH ₃ -N Daily Avg. Conc. 3 mg/L	NH ₃ -N Single Grab Conc. 15 mg/L	NH ₃ -N Daily Avg. Loading 0.9 lbs/day	TSS Daily Avg. Conc. 15 mg/L
Month/Year				
December 2010	c	c	c	16.8
January 2011	4.3	27.9	1.32	c
February 2011	11	26.6	1.1	23.8
May 2011	c	c	c	16.8

NH₃-N = ammonia nitrogen
TSS = total suspended solids
mg/L = milligrams per liter
c = compliant

Conc. = concentration
lbs/day = pounds per day
Avg. = average

Compliance History

Customer/Respondent/Owner-Operator:	CN600662423	City of Blanket	Classification: AVERAGE	Rating: 5.67
Regulated Entity:	RN104606561	CITY OF BLANKET WWTP	Classification: AVERAGE	Site Rating: 5.67
ID Number(s):	WASTEWATER		PERMIT	WQ0014618001
	WASTEWATER		EPA ID	TX0127922
Location:	Located at 7889 County Road 620, approximately 160 feet west of County Road 620 and approximately 1,500 feet south of the intersection of County Road 620 and Farm-to-Market Road 1467 (Main Street) in Brown County, Texas			

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: November 18, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 18, 2006 to November 18, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2011 Repeat Violator: | NO |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/05/2011	ADMINORDER 2010-1110-MWD-E
Classification: Moderate	
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:	Effluent Lim. and Mon. Req. Nos. 1 and 2 PERMIT
Description:	Failure to comply with permitted effluent limitations as documented during a record review conducted on April 16, 2010.
Classification: Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov:	Monitoring and Reporting Req. No. 1 PERMIT
Description:	Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented during a record review conducted on April 16, 2010. Specifically, the DMR was not submitted for the monitoring period ending September 30, 2009 by October 20, 2009.

- B. Any criminal convictions of the state of Texas and the federal government N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/27/2009	(740149)
2	05/28/2009	(741330)
3	06/30/2009	(759719)
4	07/15/2009	(760969)
5	09/15/2009	(775739)
6	12/03/2009	(783668)
7	06/11/2010	(799570)
8	05/14/2010	(800575)
9	02/19/2010	(821803)
10	11/20/2009	(821804)
11	12/21/2009	(821805)
12	01/19/2010	(821806)
13	03/19/2010	(836938)
14	04/21/2010	(836939)
15	05/24/2010	(836940)
16	09/08/2010	(858259)
17	09/23/2010	(876068)
18	12/13/2010	(879021)

19 10/25/2010 (883659)
 20 11/30/2010 (890017)
 21 12/23/2010 (898433)
 22 01/28/2011 (904272)
 23 03/16/2011 (911153)
 24 03/29/2011 (918437)
 25 05/10/2011 (931523)
 26 06/21/2010 (931524)
 27 07/21/2010 (931525)
 28 07/27/2010 (931526)
 29 08/01/2011 (947557)
 30 08/01/2011 (954813)
 31 08/25/2011 (961399)
 32 11/09/2011 (963951)
 33 10/21/2011 (967524)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/27/2009	(740149)	CN600662423
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirement 4, Page 10 PERMIT		
Description:	Failure to provide adequate safeguards in the event of an electrical power failure.		
Date:	05/28/2009	(741330)	CN600662423
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements PERMIT		
Description:	Failure to utilize a wastewater operator		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.5 Limitations and Monitoring PERMIT		
Description:	Failure to properly monitor the effluent discharge		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.1 Monitoring and Reporting Requirements PERMIT		
Description:	Failure to submit monthly Discharge Monitoring Reports		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.7 Monitoring and Reporting Requirements PERMIT		
Description:	Failure to maintain monitoring records		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT		
Description:	Failure to properly maintain flow measuring device		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Limitations and Monitoring PERMIT		
Description:	Failure to maintain permit effluent limitations		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Requirements PERMIT		
Description:	Failure to maintain sludge records		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT		
Description:	Failure to provide a reduced pressure backflow assembly		

Date	10/31/2009	(821804)	CN600662423		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	11/30/2009	(821805)	CN600662423		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	12/31/2009	(821806)	CN600662423		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	01/31/2010	(821803)	CN600662423		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	02/28/2010	(836938)	CN600662423		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	05/14/2010	(800575)	CN600662423		
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Definitions and Permit Conditions PERMIT				
Description:	Failure to provide written noncompliance notification to the TCEQ.				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT				
Description:	Failure to maintain the effluent permit limits for TSS and ammonia nitrogen.				
Self Report?	NO			Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Provisions PERMIT				
Description:	Failure to submit a properly completed Annual Sludge Report.				
Self Report?	NO			Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) Monitoring and Reporting PERMIT				
Description:	Failure to properly calculate the total residual chlorine concentration.				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT				
Description:	Failure to properly maintain the emergency power generator at the WWTP.				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT				
Description:	Failure to maintain the effluent permit limits for residual chlorine.				

Date **12/31/2010** (904272) CN600662423
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date **01/31/2011** (911153) CN600662423
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date **02/28/2011** (918437) CN600662423
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date **05/31/2011** (947557) CN600662423
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F.	Environmental audits.	N/A
G.	Type of environmental management systems (EMSs).	N/A
H.	Voluntary on-site compliance assessment dates.	N/A
I.	Participation in a voluntary pollution reduction program.	N/A
J.	Early compliance.	N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BLANKET
RN104606561**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-2220-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Blanket ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 7889 County Road 620, approximately 160 feet west of County Road 620 and approximately 1,500 feet south of the intersection of County Road 620 and Farm-to-Market Road 1467 (Main Street) in Brown County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on October 27, 2011, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMRs"):

EFFLUENT PARAMETER				
Permit Limit				
	NH ₃ -N Daily Avg. Conc. 3 mg/L	NH ₃ -N Single Grab Conc. 15 mg/L	NH ₃ -N Daily Avg. Loading 0.9 lbs/day	TSS Daily Avg. Conc. 15 mg/L
Month/Year				
December 2010	c	c	c	16.8
January 2011	4.3	27.9	1.32	c
February 2011	11	26.6	1.1	23.8
May 2011	c	c	c	16.8

NH₃-N = ammonia nitrogen
TSS = total suspended solids
mg/L = milligrams per liter
c = compliant

Conc. = concentration
lbs/day = pounds per day
Avg. = average

4. During a record review on October 27, 2011, TCEQ staff documented that the quarterly *Escherichia coli* ("*E. coli*") DMR for the monitoring period ending July 31, 2011 was not submitted by August 20, 2011.
5. During a record review on October 27, 2011, TCEQ staff documented that the Respondent did not collect and analyze *E. coli* for the monitoring periods ending October 31, 2010 and January 31, 2011.
6. The Respondent received notice of the violations on November 14, 2011.
7. The Executive Director recognizes that by November 22, 2011, the Respondent submitted the DMR for the monitoring period ending July 31, 2011, to the TCEQ.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE

§ 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001, Effluent Limitations and Monitoring Requirements No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit DMRs for the monitoring period ending July 31, 2011, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to monitor effluent at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Blanket, Docket No. 2011-2220-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all required parameters are monitored at the intervals specified in the permit and submitted to TCEQ in a timely manner;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.d, below;
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014618001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 3.d, below; and
 - d. The certification of compliance required by Ordering Provision Nos. 3.b and 3.c, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the

best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davis Jr
For the Executive Director

3/14/13

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Blanket. I am authorized to agree to the attached Agreed Order on behalf of the City of Blanket, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Blanket waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Judy Eoff
Signature

June 26, 2012
Date

Judy Eoff
Name (Printed or typed)
Authorized Representative of
City of Blanket

Mayor, City of Blanket
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-2220-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Blanket
Penalty Amount:	Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257)
SEP Offset Amount:	Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257)

Project 1: City-wide Collection Event

Type of SEP:	Custom
Project Name:	<i>City-wide Collection Event</i>
Location of SEP:	Brown County

Project 2: Erosion Control Project

Type of SEP:	Custom
Project Name:	<i>Erosion Control Project</i>
Location of SEP:	Brown County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the projects in accordance with the terms of this Attachment A.

1. Project Description

A. Project Information

Project 1: City-wide Collection Event

Respondent shall hold a one-day city-wide collection event to allow residents to dispose of tires, broken furniture, household chemicals, used paint, appliances without Freon, old mattresses, old carpet and padding, water heaters, junk metal, car batteries, computers and other electronics, pallets, and brush ("Project 1"). Respondent shall offer a convenient drop-off collection site where citizens can drop off materials for disposal or recycling at no cost. Citizens will be allowed to dispose of the specified items at the supervised drop-off locations. Respondent shall be responsible for completing and submitting, in advance, the 45-day Notification to TCEQ and provide the SEP Coordinator with a copy of the letter of acknowledgement prior to the collection event. The collected waste will be disposed at the City of Brownwood Landfill and Recycling Center, Permit No. 1562A.

Advertisement for the collection event will be posted on the large sign at City Hall and other locations throughout the city. Printed advertisements, including publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity, below.

Respondent shall ensure that the event:

- is advertised to the public; and includes the publicity statement that Project 1 is being performed as a Supplemental Environmental Project;
- advertises clearly that there is no cost to the public;
- occurs during daylight hours; and
- offers to the public a convenient drop-off location.

Respondent shall properly collect, transport, dispose of, or recycle the collected materials. The SEP Offset Amount will only be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; signage; and costs of proper disposal and recycling. Respondent shall use the SEP Offset Amount for the direct cost of implementing Project 1, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project 1, below. No portion of the SEP Offset Amount shall be spent on administrative costs including, but not limited to, operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform Project 1 and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

Project 2: Erosion Control Project

Respondent shall perform an erosion control project on the creek crossings on County Road 620 ("CR620"), latitude 31.817891, longitude -98.788827 and the creek crossing on Avenue "I," latitude 31.820793, longitude -98.788557 ("Project 2"). Project 2 will help reduce siltation in a tributary that flows into the Big Blanket Creek that flows into the Pecan Bayou southwest of the City of Mullin, Texas, and continues on to the Colorado River west southwest of Goldthwaite, Texas. Project 2 will consist of the installation of stabilization walls made of earthen material, rock, and concrete rubble, or similar method allowable under local, state, and federal laws and regulations, along two areas of the tributary to protect the slope and reduce or eliminate erosion along the creek bed. Project 2 will include approximately 100 feet of repair and stabilization on either side of the downstream side of the bridge on CR620 and approximately 50 feet of repair on both sides of the creek bank on the downstream side of the same bridge. At the Avenue "I" creek crossing, Project 2 shall include repair and stabilization of approximately 100 feet on both sides of the creek bank upstream of the bridge.

Respondent shall perform Project 2 in accordance with all federal, state, and local environmental laws and regulations. Respondent agrees to obtain any and all required permit(s) prior to commencement of the Project, including a **Nationwide Permit** from the U.S. Corps of Engineers; the **Marl, Sand, Gravel, Shell or Mudshell Permit** from the Texas Parks and Wildlife Department; and rights-of-way easement authorizations.

Respondent shall use the SEP Offset Amount for the direct cost of implementing Project 2, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project 2, below. No portion of the SEP Offset Amount shall be spent on administrative costs including, but not limited to, operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment

breakdowns. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform Project 2 and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

Project 1: City-wide Collection Event

The SEP will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

Project 2: Erosion Control Project

This SEP will provide a discernible environmental benefit by stabilizing the creek bank thus preventing or significantly reducing further erosion, sedimentation, siltation, and pooling of stagnant water downstream. Continued erosion will lead to high sediment loads, silting, and disruption of ecosystems in downstream waterways. Project 2 will benefit and protect the water quality of Big Blanket Creek and the Colorado River Basins.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete Projects 1 and 2 described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete Projects 1 and 2.

Estimated Cost Schedule for Project 1

Item	Quantity	Cost	Units	Total
Tractor/Loaders	3	\$25.00	1 days	\$25.00
40 CY Roll-Off Dumpster (delivery/pickup)	6	\$399.00	Each	\$2,394.00
Used Tire Disposal Fees	100	\$6.00	Each	\$600.00
Landfill Disposal Fee	100	\$38.00	Ton	\$3,800.00
Signage	1	\$50.00	Each	\$50.00
Vehicle Battery Disposal Fee	20	\$5.00	Each	\$100.00
Advertising Posters	10	\$5.00	Each	\$50.00
Total Anticipated Budget				\$7,019.00

Estimated Cost Schedule for Project 2

Item	Quantity	Cost	Units	Total
Tractor/Loaders	3	\$25.00	9 days	\$675.00
Total Anticipated Budget				\$675.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to-date to implement Projects 1 and 2. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on Projects 1 and 2 during the previous 60-day period and setting forth a schedule for achieving completion of Projects 1 and 2 within the 365-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on Projects 1 and 2 to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin Projects 1 and 2
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

Project 1: City-wide Collection Event

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.2., above;
4. Copies of proof of advertisement of the event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. Copy of the Letter of Acknowledgement from the TCEQ;
6. Map showing specific locations of the collection sites;
7. Photographs of Project 1 showing the collected items;

8. Manifests sufficient to show proof of proper disposal and/or recycling of the collected items. Documentation must be provided to show proof of proper disposal or recycling of the collected tires, E-waste, and appliances;
9. A count on the type of items collected; i.e. number of computers, tires, batteries, refrigerators, etc.;
10. A notarized/certified statement of the quantifiable environmental benefits. The Respondent must quantify the environmental benefit of Project 1; and
11. Any additional information the Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

Project 2: Erosion Control Project

1. An itemized list of expenditures and total of costs incurred to complete Project 2;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of verification documentation including Record Drawings;
4. Photographs of the completed project;
5. A map identifying the location of the work performed. The map must be of sufficient detail to allow TCEQ staff to verify the location of the completed project;
6. A certified/notarized statement of quantifiable environmental benefits produced by Project 2; and
7. Any information required in Section 3 and any additional information that will demonstrate compliance with this SEP agreement.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete Projects 1 and 2, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning these Projects made by or on behalf of Respondent must include a clear statement that **Projects 1 and 2 were performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include Projects 1 and 2 in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment A
Docket Number: 2011-2220-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Blanket
Penalty Amount:	Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257)
SEP Offset Amount:	Seven Thousand Two Hundred Fifty-Seven Dollars (\$7,257)

Project 1: City-wide Collection Event

Type of SEP:	Custom
Project Name:	<i>City-wide Collection Event</i>
Location of SEP:	Brown County

Project 2: Erosion Control Project

Type of SEP:	Custom
Project Name:	<i>Erosion Control Project</i>
Location of SEP:	Brown County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the projects in accordance with the terms of this Attachment A.

1. Project Description

A. Project Information

Project 1: City-wide Collection Event

Respondent shall hold a one-day city-wide collection event to allow residents to dispose of tires, broken furniture, household chemicals, used paint, appliances without Freon, old mattresses, old carpet and padding, water heaters, junk metal, car batteries, computers and other electronics, pallets, and brush ("Project 1"). Respondent shall offer a convenient drop-off collection site where citizens can drop off materials for disposal or recycling at no cost. Citizens will be allowed to dispose of the specified items at the supervised drop-off locations. Respondent shall be responsible for completing and submitting, in advance, the 45-day Notification to TCEQ and provide the SEP Coordinator with a copy of the letter of acknowledgement prior to the collection event. The collected waste will be disposed at the City of Brownwood Landfill and Recycling Center, Permit No. 1562A.

Advertisement for the collection event will be posted on the large sign at City Hall and other locations throughout the city. Printed advertisements, including publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity, below.

Respondent shall ensure that the event:

- is advertised to the public; and includes the publicity statement that Project 1 is being performed as a Supplemental Environmental Project;
- advertises clearly that there is no cost to the public;
- occurs during daylight hours; and
- offers to the public a convenient drop-off location.

Respondent shall properly collect, transport, dispose of, or recycle the collected materials. The SEP Offset Amount will only be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; signage; and costs of proper disposal and recycling. Respondent shall use the SEP Offset Amount for the direct cost of implementing Project 1, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project 1, below. No portion of the SEP Offset Amount shall be spent on administrative costs including, but not limited to, operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform Project 1 and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

Project 2: Erosion Control Project

Respondent shall perform an erosion control project on the creek crossings on County Road 620 ("CR620"), latitude 31.817891, longitude -98.788827 and the creek crossing on Avenue "I," latitude 31.820793, longitude -98.788557 ("Project 2"). Project 2 will help reduce siltation in a tributary that flows into the Big Blanket Creek that flows into the Pecan Bayou southwest of the City of Mullin, Texas, and continues on to the Colorado River west southwest of Goldthwaite, Texas. Project 2 will consist of the installation of stabilization walls made of earthen material, rock, and concrete rubble, or similar method allowable under local, state, and federal laws and regulations, along two areas of the tributary to protect the slope and reduce or eliminate erosion along the creek bed. Project 2 will include approximately 100 feet of repair and stabilization on either side of the downstream side of the bridge on CR620 and approximately 50 feet of repair on both sides of the creek bank on the downstream side of the same bridge. At the Avenue "I" creek crossing, Project 2 shall include repair and stabilization of approximately 100 feet on both sides of the creek bank upstream of the bridge.

Respondent shall perform Project 2 in accordance with all federal, state, and local environmental laws and regulations. Respondent agrees to obtain any and all required permit(s) prior to commencement of the Project, including a **Nationwide Permit** from the U.S. Corps of Engineers; the **Marl, Sand, Gravel, Shell or Mudshell Permit** from the Texas Parks and Wildlife Department; and rights-of-way easement authorizations.

Respondent shall use the SEP Offset Amount for the direct cost of implementing Project 2, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project 2, below. No portion of the SEP Offset Amount shall be spent on administrative costs including, but not limited to, operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment

breakdowns. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform Project 2 and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

Project 1: City-wide Collection Event

The SEP will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

Project 2: Erosion Control Project

This SEP will provide a discernible environmental benefit by stabilizing the creek bank thus preventing or significantly reducing further erosion, sedimentation, siltation, and pooling of stagnant water downstream. Continued erosion will lead to high sediment loads, silting, and disruption of ecosystems in downstream waterways. Project 2 will benefit and protect the water quality of Big Blanket Creek and the Colorado River Basins.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete Projects 1 and 2 described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete Projects 1 and 2.

Estimated Cost Schedule for Project 1

Item	Quantity	Cost	Units	Total
Tractor/Loaders	3	\$25.00	1 days	\$25.00
40 CY Roll-Off Dumpster (delivery/pickup)	6	\$399.00	Each	\$2,394.00
Used Tire Disposal Fees	100	\$6.00	Each	\$600.00
Landfill Disposal Fee	100	\$38.00	Ton	\$3,800.00
Signage	1	\$50.00	Each	\$50.00
Vehicle Battery Disposal Fee	20	\$5.00	Each	\$100.00
Advertising Posters	10	\$5.00	Each	\$50.00
Total Anticipated Budget				\$7,019.00

Estimated Cost Schedule for Project 2

Item	Quantity	Cost	Units	Total
Tractor/Loaders	3	\$25.00	9 days	\$675.00
Total Anticipated Budget				\$675.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to-date to implement Projects 1 and 2. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on Projects 1 and 2 during the previous 60-day period and setting forth a schedule for achieving completion of Projects 1 and 2 within the 365-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on Projects 1 and 2 to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin Projects 1 and 2
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

Project 1: City-wide Collection Event

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.2., above;
4. Copies of proof of advertisement of the event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. Copy of the Letter of Acknowledgement from the TCEQ;
6. Map showing specific locations of the collection sites;
7. Photographs of Project 1 showing the collected items;

8. Manifests sufficient to show proof of proper disposal and/or recycling of the collected items. Documentation must be provided to show proof of proper disposal or recycling of the collected tires, E-waste, and appliances;
9. A count on the type of items collected; i.e. number of computers, tires, batteries, refrigerators, etc.;
10. A notarized/certified statement of the quantifiable environmental benefits. The Respondent must quantify the environmental benefit of Project 1; and
11. Any additional information the Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

Project 2: Erosion Control Project

1. An itemized list of expenditures and total of costs incurred to complete Project 2;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of verification documentation including Record Drawings;
4. Photographs of the completed project;
5. A map identifying the location of the work performed. The map must be of sufficient detail to allow TCEQ staff to verify the location of the completed project;
6. A certified/notarized statement of quantifiable environmental benefits produced by Project 2; and
7. Any information required in Section 3 and any additional information that will demonstrate compliance with this SEP agreement.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete Projects 1 and 2, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning these Projects made by or on behalf of Respondent must include a clear statement that **Projects 1 and 2 were performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include Projects 1 and 2 in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.